

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-5, 7-12 and 14-17 are pending in this application among which claims 1, 8, 15 and 17 are independent. All of the pending claims stand rejected. By this amendment, independent claims 1, 8, 15 and 17 are amended. No new matter has been added by this amendment.

Rejections

Claims 1-3, 5, 8-10, 12 and 15-17 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,700,607 ("Misawa"). Claims 4, 7, 11 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Misawa.

The Office Action indicates that Misawa discloses each and every elements of the rejected claims including "the control unit" and cites portions of Misawa including col. 7, lines 26-34; col. 7, lines 55-64, and col. 8, lines 28-44. In particular, the Office Action indicates that Misawa discloses the changing in reading manners according to the determination of the display device and cites col. 9, lines 23-35 and 53-57.

Misawa discloses a digital camera 20 having, *inter alia*, an LCD monitor 40, and a video output terminal to which an external monitor having a larger screen as a PC is connected. Misawa employs two modes of reading the image signals, i.e., a normal mode and a macro mode. Misawa teaches that $\frac{1}{4}$ or $\frac{1}{8}$ of the photoelectric elements (i.e., pixels) are read in a normal mode operation, and $\frac{1}{2}$ or all of the pixels are read in the macro mode operation. It is indicated

in Misawa that the macro-mode operation is when the external display device is attached.

However, it appears that the determination of which mode of reading operation is used in Misawa depends on whether the external display device is attached or not, i.e., it does not depend on whether the display device is ON or OFF state as required by the present invention. In other words, in Misawa, the changing of the reading manner is based on the connection state of the external monitor to the video output terminal of the digital camera, and is not based on the ON-OFF state of the external monitor or the LCD monitor. As Applicant understand it, even in the normal operation mode of Misawa in which the external display device is not attached, a display device is still operated. For example, a portion of Misawa describes:

... the image sensor is driven by reading the signals from the first proportion of the photoelectric elements in the normal image-capturing mode ... the images can be captured at a high refresh rate, and the captured images are rough but satisfactory for confirmation of a picture composition as far as the images are displayed on a compact monitor, etc. attached to the image-capturing apparatus. Col. 1, line 65 through col. 2, line 5 of Misawa.

It appears that the display device displays the image in the normal mode operation of Misawa.

In contrast, the present invention requires that the reading mode is changed depending on whether the display device is its ON state that displays the image signal or OFF state that does not display the image signal thereby reducing the burden of focusing processing according to the ON-OFF state of the image display device.

Other independent claims (i.e., claims 8, 15 and 17) recite similar features to claim 1 as discussed herein. In particular, claim 17 recites that “said calculation unit calculates the focus evaluating value based on a portion of the image signal when said display is in an image display

OFF state.” As Applicant understand it, there is nothing in Misawa that teaches this aspect of invention.

Accordingly, each of independent claims 1, 8, 15 and 17 is believed neither anticipated by nor rendered obvious in view of Misawa for at least the reasons discussed above.

Nonetheless, claims 1, 8, 15 and 17 are amended for further clarification. In particular, amended claim 1 recites, *inter alia*, “a focus evaluating value obtaining device that obtains a focus evaluating value for adjusting a focus based on said image signal obtained by said image sensor, said image signal being read from said image sensor in reading manners which are changed according to the determination of said display designation unit; and a control unit that adjusts the focus according to the focus evaluation value obtained from said focus evaluating value obtaining device.” Other amended claims (i.e., claims 8, 15 and 17) recite similar features to claim 1 as discussed herein. Support for the amendment may be found throughout the original specification including, e.g., Fig. 4 and page 22, line 3 through page 25, line 6.

Applicant believes that the amended claims further distinguish over Misawa.

Reconsideration and withdrawal of the rejections of claims 1, 8, 15 and 17 under 35 U.S.C. §102(e) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims (i.e., claims 2-5, 7, 9-12, 14 and 16) because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

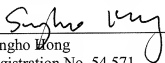
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4714). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: June 20, 2007

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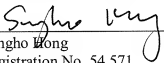
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